

ORDERED.

Dated: December 18, 2019



Catherine Peek McEwen  
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION  
[www.flmb.uscourts.gov](http://www.flmb.uscourts.gov)

In re:

AVANTAIR, INC.,

Debtor.

Case No. 13-09719-CPM  
Chapter 7

**ORDER GRANTING TRUSTEE'S MOTION TO  
ALLOW MARC SMITH TO "OPT IN" TO EMPLOYEE CLASS AND  
GRANTING RELATED RELIEF AND REQUEST TO SHORTEN NOTICE**  
(Doc. 2253)

THIS CASE CAME before the Court for hearing on December 13, 2019 at 11:00 a.m. on the *Trustee's Motion to Allow Marc Smith to "Opt In" to Employee Class and Granting Related Relief and Request to Shorten Notice* (Doc. 2253) (the "Motion"), filed by Beth Ann Scharrer as Chapter 7 Trustee for the estate of Avantair, Inc. The Court, having heard argument from counsel and being otherwise duly advised in the premises, and for the reasons stated orally and recorded in open court, which shall constitute the findings of the Court, it is thereupon:

**ORDERED:**

1. The Motion is **GRANTED**.
2. Marc Smith is allowed to withdraw his “opt-out” and participate in the certified employee class.
3. The settlement administrator is authorized and directed to make “catch-up” distributions to Marc Smith from the *cy pres* fund and to make future distributions to March Smith from the qualified settlement fund.
4. Claim 17 is disallowed.

Attorney Lynn Welter Sherman is directed to serve a copy of this order on interested parties who do not receive service by CM/ECF and file a proof of service within three days of entry of this order.

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